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Appearing Defendants *Bayer Corporation,*
7 *Bayer Essure Inc., Bayer HealthCare LLC,*
Bayer HealthCare Pharmaceuticals Inc.
8

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 NICOLE ALCANTARA, *et al.*,

12
13 Plaintiffs,

14 vs.

15 BAYER CORP.; BAYER HEALTHCARE
16 LLC; BAYER ESSURE INC., (F/K/A
CONCEPTUS, INC.); BAYER HEALTHCARE
17 PHARMACEUTICALS, INC.; and DOES 1-10,
inclusive,

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19 Defendants.
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) Case No. 3:17-cv-01987-WHA
) Order re:
) **JOINT STIPULATION TO STAY**
) **BRIEFING PENDING RULINGS ON**
) **MOTION TO REMAND AND**
) **MOTION TO DISMISS IN**
) ***SANGIMINO, et al. v. BAYER CORP.,***
) ***et al.***

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Order re:

JOINT STIPULATION TO STAY BRIEFING
CASE NO. 3:17-cv-01987-WHA

1 Plaintiffs Nicole Alcantara, *et al.*, and defendants and specially-appearing defendants Bayer
2 Corporation, Bayer Essure Inc., Bayer HealthCare LLC, and Bayer HealthCare Pharmaceuticals Inc.
3 (collectively, “Bayer”), hereby stipulate and agree as follows:

4 1. Plaintiffs filed their complaint on February 28, 2017, in the Superior Court for the
5 State of California, County of Alameda. In their complaint, Plaintiffs assert claims involving the
6 Essure® Permanent Birth Control System (the “Essure® Device”).

7 2. On April 10, 2017, Bayer removed the matter from the Alameda County Superior
8 Court to the United States District Court for the Northern District of California. [Dkt. No. 1].

9 3. Bayer filed its Motion to Dismiss on April 17, 2017, on the grounds of federal
10 preemption, among other grounds. [Dkt. No. 16]. The Motion to Dismiss is currently scheduled for
11 hearing on June 8, 2017.

12 4. Plaintiffs intend to file a Motion to Remand.

13 5. On April 13, 2017, this matter was deemed related to another matter pending before
14 this Court involving the Essure® Device, captioned as *Elizabeth Ann Sangimino, et al. v. Bayer*
15 *Corp., et al.*, Case No. 3:17-cv-01488-WHA. [Dkt. No. 12].

16 6. In the *Sangimino* matter, the Court has already set a briefing schedule on Bayer’s
17 Motion to Dismiss, which is similar to the Motion to Dismiss filed in this matter, and on Plaintiffs’
18 Motion to Remand, which is similar to the Motion to Remand filed in this matter. The briefing
19 schedule on those motions in *Sangimino* is as follows:

- 20 • **April 28, 2017:** Bayer’s deadline to respond to Plaintiffs’ Motion to Remand;
21 Plaintiffs’ deadline to respond to Bayer’s Motion to Dismiss;
- 22 • **May 12, 2017:** Bayer’s deadline to file a reply in support of the Motion to Dismiss;
23 Plaintiffs’ deadline to file a reply in support of the Motion to Remand;
- 24 • **June 8, 2017:** Hearing on Motion to Dismiss and Motion to Remand.

25 7. In light of the close overlap between the issues being briefed in *Sangimino* and those
26 that will be presented to the Court in this matter, the parties have met and conferred and agree that it
27 would be in the interest of judicial economy to stay the briefing in this matter pending the Court’s
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Order re:

1 rulings on the Motion to Dismiss and Motion to Remand in *Sangimino*. The Parties thus respectfully
2 request and ask the Court to enter an order in this matter staying all briefing on Bayer's Motion to
3 Dismiss and Plaintiffs' Motion to Remand until such time.

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5 IT IS SO STIPULATED.

6 Dated: April 25, 2017

By: /s/ Kyle G. Bates

Kyle G. Bates
SCHNEIDER WALLACE COTTRELL
KONECKY WOTKYNS

Attorneys for Plaintiffs Nicole Alcantara, et al.

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10 Dated: April 25, 2017

11 By: /s/ Alycia A. Degen

Alycia A. Degen
Bradley J. Dugan
SIDLEY AUSTIN LLP

*Attorneys for Defendants and Specially
Appearing Defendants
Bayer Corporation, Bayer HealthCare LLC,
Bayer Essure Inc., and Bayer HealthCare
Pharmaceuticals Inc.*

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17 **Filer's Attestation:** Pursuant to Local Rule 5-1(i)(3), regarding signatures, Alycia A. Degen hereby
18 attests that concurrence in the filing of this document has been obtained from counsel for Plaintiffs.

19 Dated: April 25, 2017

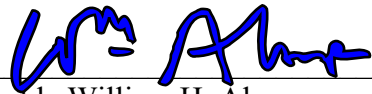
20 By: /s/ Alycia A. Degen

Alycia A. Degen

~~PROPOSED~~ ORDER

PURSUANT TO THE PARTIES' STIPULATION, and for good cause shown, IT IS ORDERED THAT the deadlines for Bayer to file its anticipated Motion to Dismiss and for Plaintiffs to file their anticipated Motion to Remand are STAYED and continued pending the Court's rulings on the Motion to Dismiss and Motion to Remand in the related case *Sangimino v. Bayer Corp., et al.*, Case No. 3:17-cv-01488-WHA.

Dated: April 28, 2017



Honorable William H. Alsup